

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

ROD MARSHALL, Trustee of)
Contractors Laborers, Teamsters and)
Engineers Health & Welfare Plan and)
Contractors Laborers, Teamsters and)
Engineers Pension Plan, et al.,)
)
Plaintiffs,)) 8:08CV168
vs.))
)
THERESA BAGGETT, d/b/a)) ORDER
BAGGETT MASONRY, INC.,))
)
Defendant.))

This matter is before the court *sua sponte*, pursuant to [NECivR](#) 41.1, which states in pertinent part: "The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence." The record reveals the complaint was filed on April 14, 2008, and service of the summons was executed on the defendant on April 16, 2008. **See** Filing No. 1 - [Complaint](#); Filing No. 6 - [Summons Returned](#). It remains the plaintiffs' duty to go forward in prosecuting the case by, for example, filing a motion for the Clerk's entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR](#) 55.1(a). Upon consideration,

IT IS ORDERED:

The plaintiffs shall show cause why this case should not be dismissed for failure to prosecute the defendant. The showing of cause shall be filed electronically on or before the close of business **on July 11, 2008**.

DATED this 25th day of June, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge